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September 3, 2024

VIA ECF

United States District Court
Southern District of New York
Honorable Jennifer L. Rochon
500 Pearl St., Room 1920
New York, NY 10007

Plaintiffs' application to file ECF 94 under seal is GRANTED.

DATED: September 4, 2024
New York, New York

SO ORDERED

ROBYN F. TARNOFSKY
UNITED STATES MAGISTRATE JUDGE

Re: Letter-Motion to Seal Per the Court's Prior Sealing Order (ECF 73)
Gentile, et al. v. NCSPlus Incorporated, et al. (1 :23-cv-05358-JLR-RFT)

Dear Judge Tarnofsky,

I write on behalf of Plaintiffs seeking to retain the sealing on a document filed by Plaintiffs in their opposition/reply, marked as "confidential" by Defendant NCSPlus, Incorporated (placeholder document found at "ECF 92-1").

This application to seal is being made based on the Court's prior order that sealed a portion of NCSPlus's prior production (ECF 73)—over Plaintiffs' objections based on the non-applicability of the Court's Protective Order to those documents (§ 2 at ECF 51). Therefore, Plaintiffs make another application to seal in conformity with the last sealing order, with a standing objection that there is no confidential or proprietary information in the documents submitted herewith sufficient to overcome the presumption that all litigation documents should be public, as held in by *Lugosch v. Pyramid Co of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006) and *Bernstein v. Bernstein Litowitz Berger & Grossman LLP*, 814 F.3d 132 (2d Cir. 2016) (cited at Your Honor's Part Rules at III(E)) and as discussed in Judge Rochon's Individual Part Rules at 4(B)(ii) additionally citing *In re Gen. Motors LLC Ignition Switch Litig.*, 2015 WL 4750774, at *4 (S.D.N.Y. Aug. 11, 2015).

I thank the Court and Your Honor for your consideration.

Respectfully submitted,


Michelangelo Macchiarella (MM 5653688)